



DEVELOPMENT SERVICES DEPARTMENT  
ENVIRONMENTAL COORDINATOR  
450 110<sup>th</sup> Ave NE., P.O. BOX 90012  
BELLEVUE, WA 98009-9012

### **OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS) NOTICE MATERIALS**

The attached materials are being sent to you pursuant to the requirements for the Optional DNS Process (WAC 197-11-355). A DNS on the attached proposal is likely. This may be the only opportunity to comment on environmental impacts of the proposal. Mitigation measures from standard codes will apply. Project review may require mitigation regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for this proposal may be obtained upon request.

File No. 19-130647-AB

Project Name/Address: WATV Non Highway Vehicle Code Amendment/Citywide

Planner: Heidi Bedwell

Phone Number: 425-452-4862

**Minimum Comment Period:** December 19, 2019

Materials included in this Notice:

- ☒ Blue Bulletin
- ☒ Checklist
- ☒ Vicinity Map
- ☐ ☐ ☐ Plans
- ☐ ☐ ☐ Other:

#### **OTHERS TO RECEIVE THIS DOCUMENT:**

- ☒ State Department of Fish and Wildlife / [Sterwart.Reinbold@dfw.gov](mailto:Sterwart.Reinbold@dfw.gov); [Christa.Heller@dfw.wa.gov](mailto:Christa.Heller@dfw.wa.gov);
- ☒ State Department of Ecology, Shoreline Planner N.W. Region / [Jobu461@ecy.wa.gov](mailto:Jobu461@ecy.wa.gov); [sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov)
- ☒ Army Corps of Engineers [Susan.M.Powell@nws02.usace.army.mil](mailto:Susan.M.Powell@nws02.usace.army.mil)
- ☒ Attorney General [ecyolyef@atg.wa.gov](mailto:ecyolyef@atg.wa.gov)
- ☒ Muckleshoot Indian Tribe [Karen.Walter@muckleshoot.nsn.us](mailto:Karen.Walter@muckleshoot.nsn.us); [Fisheries.fileroom@muckleshoot.nsn.us](mailto:Fisheries.fileroom@muckleshoot.nsn.us)



# SEPA Environmental Checklist

The City of Bellevue uses this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## Instructions

The checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully and to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions.

You may respond with "Not Applicable" or "Does Not Apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies and reports. Please make complete and accurate answers to these questions to the best of your ability in order to avoid delays. For assistance, see [SEPA Checklist Guidance](#) on the Washington State Department of Ecology website.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The city may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## Background

1. Name of proposed project, if applicable \_\_\_\_\_
2. Name of applicant \_\_\_\_\_
3. Contact person \_\_\_\_\_ Phone \_\_\_\_\_
4. Contact person address \_\_\_\_\_
5. Date this checklist was prepared \_\_\_\_\_
6. Agency requesting the checklist \_\_\_\_\_

**Reviewed by Heidi M. Bedwell (HMB),  
Environmental Planning Manager  
12/03/2019**

7. Proposed timing or schedule (including phasing, if applicable)

**Council Adoption January 2020**

8. Do you have any plans for future additions, expansion or further activity related to or connected with this proposal? If yes, explain.

9. List any environmental information you know about that has been prepared or will be prepared, that is directly related to this proposal.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

11. List any government approvals or permits that will be needed for your proposal, if known.

12. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and the section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

## Environmental Elements

### Earth

1. General description of the site:
  - ☐ Flat
  - ☐ Rolling
  - ☐ Hilly
  - ☐ Steep Slopes
  - ☐ Mountainous
  - ☐ Other \_\_\_\_\_
2. What is the steepest slope on the site (approximate percent slope)? \_\_\_\_\_

3. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

4. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

5. Describe the purpose, type, total area and approximate quantities and total affected area of any filling, excavation and grading proposed. Indicate the source of the fill.

6. Could erosion occur as a result of clearing, construction or use? If so, generally describe.

7. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? \_\_\_\_\_

8. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

## Air

1. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

2. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

3. Proposed measures to reduce or control emissions or other impacts to air, if any.

## Water

### 1. Surface Water

- a. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

- b. Will the project require any work over, in or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

- c. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of the fill material.

- d. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose and approximate quantities, if known.

- e. Does the proposal lie within a 100-year floodplain? \_\_\_\_\_  
If so, note the location on the site plan.

**City regulates floodplains through  
LUC 20.25H Critical Areas Ordinance**

- f. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

2. Ground Water

- a. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

- b. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.



3. Water Runoff (including stormwater)

- a. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

- b. Could waste materials enter ground or surface waters? If so, generally describe.

- c. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Indicate any proposed measures to reduce or control surface, ground and runoff water, and drainage pattern impacts, if any.

## Plants

1. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other \_\_\_\_\_
- ☐ evergreen tree: fir, cedar, pine, other \_\_\_\_\_
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards or other permanent crops
- ☐ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other \_\_\_\_\_
- ☐ water plants: water lily eelgrass, milfoil, other \_\_\_\_\_
- ☐ other types of vegetation \_\_\_\_\_

2. What kind and amount of vegetation will be removed or altered?

3. List any threatened and endangered species known to be on or near the site.

**<https://ecos.fws.gov/ecp0/reports/species-by-current-range-county?fips=53033>**

4. Proposed landscaping, use of native plants or other measures to preserve or enhance vegetation on the site, if any.

5. List all noxious weeds and invasive species known to be on or near the site.

**blackberry, japanese knotweed**

### Animals

1. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

Birds: ☐hawk, ☐heron, ☐eagle, ☐songbirds, ☐other \_\_\_\_\_

Mammals: ☐deer, ☐bear, ☐elk, ☐beaver, ☐other \_\_\_\_\_

Fish: ☐bass, ☐salmon, ☐trout, ☐herring, ☐shellfish, ☐other \_\_\_\_\_

2. List any threatened and endangered species known to be on or near the site.

3. Is the site part of a migration route? If so, explain.

4. Proposed measures to preserve or enhance wildlife, if any.

5. List any invasive animal species known to be on or near the site.

### Energy and Natural Resources

1. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

2. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

3. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

## Environmental Health

1. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill or hazardous waste, that could occur as a result of this proposal? If so, describe.

- a. Describe any known or possible contamination at the site from present or past uses.

- b. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

- c. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

- d. Describe special emergency services that might be required.

- e. Proposed measures to reduce or control environmental health hazards, if any.

2. Noise

- a. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

- b. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)?  
Indicate what hours noise would come from the site.

- c. Proposed measures to reduce or control noise impacts, if any.

## Land and Shoreline Uses

1. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

2. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

- a. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling and harvesting? If so, how?

3. Describe any structures on the site.

4. Will any structures be demolished? If so, what?

5. What is the current zoning classification of the site? \_\_\_\_\_

6. What is the current comprehensive plan designation of the site? \_\_\_\_\_

7. If applicable, what is the current shoreline master program designation of the site?

8. Has any part of the site been classified as a critical area by the city or county? If so, specify.

9. Approximately how many people would reside or work in the completed project? \_\_\_\_\_

10. Approximately how many people would the completed project displace? \_\_\_\_\_

11. Proposed measures to avoid or reduce displacement impacts, if any.

12. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.



13. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any.

## Housing

1. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

2. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

3. Proposed measures to reduce or control housing impacts, if any.

## Aesthetics

1. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

2. What views in the immediate vicinity would be altered or obstructed?

3. Proposed measures to reduce or control aesthetic impacts, if any

### Light and Glare

1. What type of light or glare will the proposal produce? What time of day would it mainly occur?

2. Could light or glare from the finished project be a safety hazard or interfere with views?

3. What existing off-site sources of light or glare may affect your proposal?

4. Proposed measures to reduce or control light and glare impacts, if any.

### Recreation

1. What designated and informal recreational opportunities are in the immediate vicinity?

2. Would the proposed project displace any existing recreational uses? If so, describe.

3. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

### Historic and Cultural Preservation

1. Are there any buildings, structures or sites located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? If so, specifically describe.

2. Are there any landmarks, features or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

3. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

4. Proposed measures to avoid, minimize or compensate for loss, changes to and disturbance to resources. Please include plans for the above and any permits that may be required.

### Transportation

1. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

2. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

3. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

4. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

5. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.

6. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

7. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

8. Proposed measures to reduce or control transportation impacts, if any.

## Public Service

1. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

2. Proposed measures to reduce or control direct impacts on public services, if any.

## Utilities

1. Check the utilities currently available at the site:

- ☐ Electricity
- ☐ natural gas
- ☐ water
- ☐ refuse service
- ☐ telephone
- ☐ sanitary sewer
- ☐ septic system
- ☐ other

2. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed.

## Signature

*The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.*

Signature  \_\_\_\_\_

Name of signee Brian Breeden \_\_\_\_\_

Position and Agency/Organization Transportation-Operations Manager \_\_\_\_\_

Date Submitted 11/27/2019 \_\_\_\_\_

**HMB 12/03/19**



# Non-project Action SEPA Checklist

## *Supplement to Environmental Checklist*

These questions pertain to land use actions that do not involve building and construction projects, but rather pertain to policy changes, such as code amendments and rezone actions.

Because the questions are very general, it may be helpful to read them in conjunction with the Environmental Checklist. When answering these questions, be aware of the extent to which the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented.

Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Indicate proposed measures to avoid or reduce such increases.

2. How would the proposal be likely to affect plants, animals, fish or marine life?



Indicate proposed measures to protect or conserve plants, animals, fish or marine life.

3. How would the proposal be likely to deplete energy or natural resources?

Indicate proposed measures to protect or conserve energy and natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains or prime farmlands?

Indicate proposed measures to protect such resources or to avoid or reduce impacts.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Indicate proposed measures to avoid or reduce shoreline and land use impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Indicate proposed measures to reduce or respond to such demand(s).

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. [\[Abstract\]](#)

AN ORDINANCE repealing Chapter 11.55 All-Terrain Vehicles of the Bellevue City Code (BCC) and establishing a new, updated Chapter 11.55 BCC Wheeled All-Terrain and Nonhighway Vehicles.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 11.55 All-Terrain Vehicles of the Bellevue City Code is repealed in its entirety.

Section 2. A new Chapter 11.55 Wheeled All-Terrain and Nonhighway Vehicles is added to the Bellevue City Code to read as follows:

Chapter 11.55 WHEELED ALL-TERRAIN AND NONHIGHWAY VEHICLES

Sections:

- 11.55.010 Definitions.
- 11.55.020 Use of wheeled all-terrain vehicles on City streets.
- 11.55.030 Prohibited uses.
- 11.55.040 Violation – Penalty.

11.55.010 Definitions.

Unless otherwise specifically provided for herein, the definitions set forth in Chapter [46.09](#) RCW, as existing or hereafter amended, shall govern this chapter. In addition, when used in this chapter, the following words, terms, and phrases shall have the following meanings:

(1) “City” means the City of Bellevue, its elected officials, its employees, and its agents.

(2) “City street” means every way, lane, road, street, boulevard, and every way or place in the City open as a matter of right to public vehicular traffic inside the city limits.

(3) “Nonhighway vehicle” means any motorized vehicle including an off-road vehicle (ORV), as defined by RCW 46.04.365, when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

- (a) Any vehicle designed primarily for travel on, over, or in the water;
  - (b) Snowmobiles or any military vehicles; or
  - (c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter [82.38](#) RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.
- (4) “Sidewalk” means that property between the curb lines or the lateral lines of a city street and the adjacent property, set aside and intended for the use of pedestrians or used by cyclist in accordance with BCC 14.60 or such portion of private property parallel and in proximity to a city street and dedicated to use by pedestrians.
- (5) “Multi-Purpose Path” means a facility as defined by RCW 47.30.005 and dedicated for public use.
- (6) “Recreational Trail” means a facility as defined by RCW 47.30.010 and dedicated for public use.
- (7) “Wheeled all-terrain vehicle” or “WATV” means
- (a) any motorized nonhighway vehicle with handlebars that is 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less, or
  - (b) a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following:
    - (i) has a minimum width of 50 inches;
    - (ii) has a minimum weight of at least 900 pounds; or
    - (iii) has a wheelbase of over 61 inches.

11.55.020 Use of WATV and nonhighway vehicles on City streets.

- (1) No person shall operate a WATV or a nonhighway vehicle on any City street or sidewalk or Multi-Purpose Path or Recreational Trail.
- (2) This section shall not apply to the following:
  - a. City or City authorized agent’s operation of WATV or nonhighway vehicles in the performance of municipal work including improvement, construction, repair, maintenance and ordinary maintenance as defined in WAC 296-127-010;

- b. The operation of WATV or nonhighway vehicles used in the performance of official emergency functions under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010; or
- c. The operation of WATVs or nonhighway vehicles owned and operated by the United States or a general or limited authority Washington law enforcement agency as defined in RCW 10.93.020 when used in the official performance of the agency's emergency response, law enforcement, or police powers.

#### 11.55.030 Prohibited uses.

(2) No person shall operate or ride a WATV or a nonhighway vehicle in a negligent or unsafe manner, as determined in the sole discretion of any law enforcement officer or city official responsible for enforcement of this chapter, but must operate it with reasonable regard for his or her own safety and for the safety of others.

(2) No person shall tow any trailers, devices, equipment or persons behind a WATV or a nonhighway vehicle.

(3) No person shall carry or transport any other person or passenger on a WATV or nonhighway vehicle, nor shall any other person ride on a WATV or nonhighway vehicle, unless such WATV or nonhighway vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the WATV or nonhighway vehicle.

(4) No person shall operate a WATV or nonhighway vehicle in violation of any federal, state, or local law, including but not limited to, Title 46 RCW, as existing or hereafter amended.

#### 11.55.040 Violation – Penalty.

Any person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty as authorized by RCW [46.09.490](#), as existing or hereafter amended; provided, that conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

Section 3. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019  
and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

(SEAL)

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John Chelminiak, Mayor

Approved as to form:  
Kathryn L. Gerla, City Attorney

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Monica A. Buck, Assistant City Attorney

Attest:

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Charmaine Arredondo, City Clerk

Published \_\_\_\_\_